

REMARKS

The Office Action mailed March 24, 2005 has been received and the Examiner's comments carefully reviewed. Claims 11-13 have been added. Support for the amendments to the claims is found in the issued patent, for example, in column 4, lines 15-55, and in FIG. 4. No new subject matter has been added.

Claims 1-13 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-10 under 35 U.S.C. §102(e) as being anticipated by Carlson, Jr. et al. (U.S. Patent 5,676,566). Applicants respectfully traverse this rejection.

Carlson discloses an enclosure 10 for a multimedia outlet. The enclosure 10 is specifically designed to mount vertically to a wall so that cables are oriented in a "gravity feed" orientation when interconnected to the outlet. Cable entry ports 44 are provided in the back 24 of the enclosure so that "in-wall cables" can enter the enclosure without being seen by the user. Column 2, lines 44-57, and column 3, lines 60-65.

Claims 1-10 of the present application relate to a cable trough. The trough is oriented such that cables lie generally horizontal within cable pathways of the trough. See specification, column 1, lines 22-24. Each of claims 1-10 recites a trough that provides pathways within which cables lie in a generally horizontal orientation. For example, each of claims 1 and 4 recite a trough having a bottom portion, upstanding sides, and separator walls extending upwardly from the bottom portion. The bottom portion with upwardly extending walls and upstanding side walls define the orientation of a cable pathway, i.e., a cable pathway within which the cables lie in a generally horizontal orientation.

Carlson does not disclose a trough. Rather, Carlson discloses an outlet enclosure that mounts vertically to a wall. To rely upon a reference as a basis for rejection, the reference must either be in the field of applicants' endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. Further, while

classification offers some evidence of non-analogy or analogy, "the similarities and differences in structure and function of the inventions carry far greater weight." MPEP 2141.01(a).

Applicants' endeavor relates to routing optical fiber cables between distribution equipment and optical line equipment, in a generally horizontal manner, as described in the background of Applicants' specification. It is submitted that a wall-mounted outlet enclosure is not within the Applicants' endeavor. The wall-mounted outlet enclosure of Carlson has a low-profile, generally flat construction, offering no relation to a structure designed to run lengths of fiber optic cable across a distance. It is further submitted that a wall-mounted outlet enclosure would not "logically commend an inventor's attention in considering his problem." MPEP 2141.01(a). That is, to solve the problem, for example, of "storage in connection with lateral trough sections" (Applicants' specification, column 1, lines 26-27), a person of ordinary skill would not reasonably be expected or motivated to look at a wall-mounted outlet enclosure.

Applicants respectfully submit that Carlson is non-analogous art and therefore cannot be not properly relied upon as a basis for rejection of the pending claims.

Nonetheless, Applicants further submit that Carlson does not disclose each and every limitation recited in the claims.

A. Claims 1-4

Claim 1 requires a central portion disposed between first and second opposed ends of a cable trough. Claim 1 further requires upstanding walls spaced farther apart from each other in the central portion than on each end, so as to define an enlarged central portion; accordingly the enlarged central portion is located between smaller first and second ends.

Carlson does not disclose a cable trough having an "enlarged" central portion disposed between smaller first and second opposed ends. The Examiner's characterization of first and second ends is somewhat unclear. Applicants believe the Examiner is characterizing the area containing ports 44 of the Carlson enclosure 10 as an enlarged central portion, and the lower sides 16, 18 (having the six receptacles 34, FIG. 1) as two

opposing ends. In this case, the enlarged central portion (44) of Carlson is not disposed between opposing sides, as required by claim 1. Instead, the enlarged area (44) is disposed adjacent to and offset from the sides having the receptacles 34.

In the alternative, if the Examiner is characterizing the lower walls 16, 18 and the bottom wall 23a (FIG. 13) as one end, and top wall 22a' (FIG. 15) as an opposing end, Applicants respectfully submit that Carlson then does not disclose the enlarged central region (44) between first and second smaller ends, as characterized in claim 1; the region (44) is only adjacent to a first smaller end.

In addition, Carlson does not disclose a downwardly extending trough portion through a bottom portion of a cable trough, as required by claim 1. Instead, Carlson only discloses openings or ports 44 formed in the back 24 of the enclosure 10. The openings or ports 44 are formed as voids in the back 24. Claim 1 requires a "trough portion" that extends downwardly from the bottom portion. Carlson only discloses a back 24, not a portion extending downward therefrom. Further, there is no motivation or suggestion to provide a downwardly extending portion. Modifying Carlson to include a structure that extends downward would render the enclosure inoperable for its intended wall-mount use. That is, a downwardly extending portion or structure at the back of the enclosure would interfere in properly mounting the enclosure to a wall.

At least for these reasons, Applicants respectfully submit that independent claim 1, and dependent claims 2-3 are patentable.

B. Claim 4

Claim 4 requires a central portion disposed between first and second opposed ends of a cable trough. Claim 4 further requires upstanding walls spaced farther apart from each other in the central portion than on each end, so as to define an enlarged central portion; accordingly the enlarged central portion is located between smaller first and second ends. At least for similar reasons as discussed with regards to claim 1, Applicants respectfully submit that Carlson does not disclose a cable trough having an "enlarged" central portion disposed between smaller first and second opposed ends, as characterized in claim 4.

In addition, Carlson does not disclose two downwardly extending side trough portions through a bottom portion of a cable trough, as required by claim 4. For similar

reasons as discussed with regards to claim 1, Applicants respectfully submit that Carlson only discloses openings or ports 44 formed in the back 24 of the enclosure 10, not downwardly extending side trough portions.

At least for these reasons, Applicants respectfully submit that independent claim 4 is patentable.

C. Claims 5-7

Claim 5 recites a cable trough having a bottom portion and two upstanding sides extending from the bottom portion to define a cable pathway. The cable trough includes a component support flange extending from one of the upstanding sides.

Carlson does not disclose a component support flange extending from one of the upstanding sides. The Examiner refers to a tray 81 and a splice holder 95 as a component support flange extending from an upstanding side. Applicants respectfully disagree with this characterization. In particular, Carlson discloses shoulders 89 and members 83 that extend upward from the back 24 of the enclosure 10. The tray 81 of Carlson rests upon the shoulders 89 and members 83 of the back 24. The tray 81 does not extend from one of the upstanding walls 16-19, as required by claim 5, but rather rests upon supports extending from the back 24.

At least because Carlson does not meet each of the structural requirements of claim 5, Applicants respectfully submit that claim 5 and dependent claims 6-7 are patentable.

D. Claims 8-10

Each of independent claims 8 and 10 recites a cable trough having a bottom portion and upstanding sides extending from the bottom portion to define a cable pathway. In claim 8, the cable trough includes component support means positioned within the cable pathway for holding an optical fiber component. In claim 10, the cable trough includes a component support holder positioned in the cable pathway, and a plurality of cable components mounted to the component support holder.

Carlson does not disclose a component support means or holder positioned within the cable pathway. The Examiner states that Carlson discloses sides (16-19) that define a

cable pathway. The tray 81 of Carlson is position above the cable pathway defined by the sides 16-19, not within the cable pathway.

At least because Carlson does not meet each of the structural requirements of independent claims 8 and 10, Applicants respectfully submit that claims 8-10 are patentable.

New Claims 11-13

New claims 11-13 depend upon independent claims 5, 8, and 10 respectively. Claim 11 recites that the component mounted to the flange is located within the cable pathway. Claim 12 recites that the component support means is positioned to hold components within the cable pathway. Claim 13 recites that the components mounted to the holder are located within the cable pathway.

Carlson discloses a tray 81 having a splice holder 95. Neither the tray 81 nor the splice holder 95 is located with a cable pathway defined by upstanding walls. Rather, the tray 81 and the splice holder 95 are located outside of and above a pathway between walls 16-19. Likewise, neither the tray 81 or the splice holder 95 is positioned to hold a component within a cable pathway defined by the upstanding walls.

SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 1-13) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.



Date:

July 25, 2008

Respectfully submitted,

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A handwritten signature in dark ink, appearing to read "Karen A. Fitzsimmons". The signature is fluid and cursive, written over a horizontal line.

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